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08CY05920

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: K. Blackburn et al.
Serial Number: 09/745,170
Filed: December 20, 2000
Examiner: A. Woodward
Art Unit: 1711
Title: Flame Retardant Carbonate Polymer Material

Attn: Office of Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
UNINTENTIONALLY ABANDONED UNDER 37 C.F.R. 1.137(b)

Dear Sir:

This is DUPLICATE copy of the Petition to Revive an Application, the Petition for Extension of Time, and the Amendment and Response to Restriction Requirement that was filed by Facsimile Transmission to Fax No. 703-872-9306 on March 3, 2004 and the first DUPLICATE copy faxed on February 11, 2005. Also enclosed is a copy of the Auto-Reply Facsimile Transmission showing that the documents were received on March 3, 2004. Please consider the Petitions and the Amendment.

CERTIFICATE OF TRANSMISSION (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to the USPTO on the date shown to 703-872-9306 addressed to the: Office of Petitions, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

No. Pages: 21
Date: March 11, 2005


Michelle Bugbee

09/745,170

- 2 -

08CY05920

Respectfully submitted:
K. BLACKBURN ET AL.

Customer No. 51401
GENERAL ELECTRIC CO
One Plastics Avenue
Pittsfield, MA 01201
March 11, 2005

By Michelle Bugbee
Michelle Bugbee
Attorney for Applicants
Registration No. 42,370
Telephone No. (413) 448-7208

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MAR 11 2005

08CYO05920

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: K. Blackburn et al.
Serial Number: 09/745,170
Filed: December 20, 2000
Examiner: A. Woodward
Art Unit: 1711
Title: Flame Retardant Carbonate Polymer Material

Attn: Office of Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
UNINTENTIONALLY ABANDONED UNDER 37 C.F.R. 1.137(b)

Dear Sir:

This is DUPLICATE copy of the Petition to Revive an Application, the Petition for Extension of Time, and the Amendment and Response to Restriction Requirement that was filed by Facsimile Transmission to Fax No. 703-872-9306 on March 3, 2004. Also enclosed is a copy of the Auto-Reply Facsimile Transmission showing that the documents were received on March 3, 2004. Please consider the Petitions and the Amendment.

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to the United States Postal Service on the date shown to 703-872-9306 addressed to the: Office of Petitions, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

No. Pages: 18
Date: February 11 2005


Michelle Bugbee

09/745,170

- 2 -

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Respectfully submitted:
K. BLACKBURN ET AL.

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Pittsfield, MA 01201
February 11, 2005

By Michelle Bugbee
Michelle Bugbee
Attorney for Applicant
Registration No. 42,370
Telephone No. (413) 448-7208

PTO/SB/122 (09-04)

Approved for use through 07/31/2008. OMB 0851-0035

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Alexandria, VA 22313-1450

Application Number	09/745,170
Filing Date	December 20, 2000
First Named Inventor	K. Blackburn
Art Unit	1711
Examiner Name	A. Woodward
Attorney Docket Number	08CY05920

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I am the:

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☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ Attorney or agent of record. Registration Number 42370
☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature

*Michelle Bugbee*Typed or Printed
Name

Michelle Bugbee

Date February 11, 2005

Telephone

413-448-7208

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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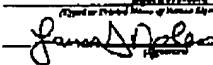
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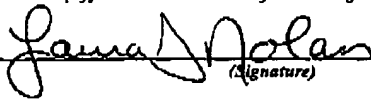
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Received
Cover
Page
=====

Serial No. 01/NA/179		Filing Date 12/26/00	Examiner Ann Lucinda Woodworth	Group Art Unit 1714
Inventor: FLAME RETARDANT CARBONATE POLYMER COMPOSITION				
<p>I hereby certify that this <u>Pat. App. of Flame Retardant Carbonate Polymer Composition</u> <small>(Name of Applicant)</small> is being received transmitted to the United States Patent and Trademark Office (Pat. No. 703-871-8004) on <u>March 3, 2004</u> <small>Date</small></p> <p style="text-align: center;"> <u>James J. Nolan</u> <small>(Typed or Printed Name of Person Submitting Certificate)</small> </p> <p style="text-align: center;">  <small>(Signature of Person Submitting Certificate)</small> </p> <p style="text-align: center;">Please attach paper used for this certificate of mailing</p>				

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No.
Applicant(s): Blackburn et al.			08CY-5920
Serial No. 09/745,170	Filing Date 12/20/00	Examiner Ana Lucrecia Woodward	Group Art Unit 1711
Invention: FLAME RETARDANT CARBONATE POLYMER COMPOSITION			
<p>I hereby certify that this <u>Pet. for Ext. of Time (1pg), Pet. to Revive an Appln (3 pgs), Amend. (9 pgs)</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)</p> <p>on <u>March 3, 2004</u> (Date)</p> <p style="text-align: right;">Laura J. Nolan (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: right;"> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

P18REV01



Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)			Docket No. 08CY05920
In Re Application Of: Blackburn et al.			
Serial No. 09/745,170	Filing Date 12/20/00	Examiner Ana Lucrecia Woodward	Group Art Unit 1711
Invention: FLAME RETARDANT CARBONATE POLYMER COMPOSITION			
<p style="text-align: center;"><u>Attention: Office of Petitions</u> <u>COMMISSIONER FOR PATENTS</u> <u>P.O. Box 1450</u> <u>Alexandria, VA 22313-1450</u></p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.</p> <p style="text-align: center;">APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none">(1) Petition fee;(2) Reply and/or issue fee;(3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and(4) Statement that the entire delay was unintentional. <p>1. <input checked="" type="checkbox"/> A proposed reply to the above-identified notice or action:</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> is enclosed. <input type="checkbox"/> was filed on _____</p> <p style="padding-left: 40px;">The proposed reply is in the form of: <u>Amendment and Response to Restriction Requirement</u></p> <p>2. <input type="checkbox"/> The issue fee:</p> <p style="padding-left: 40px;"><input type="checkbox"/> is enclosed. <input type="checkbox"/> was paid on _____</p> <p>3. <input checked="" type="checkbox"/> The abandoned application was a:</p> <p style="padding-left: 40px;"><input type="checkbox"/> design application. <input checked="" type="checkbox"/> utility application. <input type="checkbox"/> plant application.</p> <p>4. <input type="checkbox"/> A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.</p> <p>5. <input checked="" type="checkbox"/> Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.</p>			

[Page 1 of 3]

P3LARGE/REV04

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)			Docket No. 08CY05920
In Re Application Of: Blackburn et al			
Serial No. 09/745,170	Filing Date 12/20/00	Examiner Ana Lucrecia Woodward	Group Art Unit 1711
Invention: FLAME RETARDANT CARBONATE POLYMER COMPOSITION			
Calculation and Payment of Fees			
Enclosed are the following fees:			
6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:			<u>\$1,330.00</u>
7. <input type="checkbox"/> Fee for amendment in the amount of:			<u> </u>
8. <input type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of:			<u> </u>
9. <input type="checkbox"/> Issue fee in the amount of:			<u> </u>
10. <input type="checkbox"/> Continuing application filing fee in the amount of:			<u> </u>
11. <input type="checkbox"/> Terminal disclaimer fee in the amount of:			<u> </u>
12. <input type="checkbox"/> _____			<u> </u>
Total fees enclosed:			<u>\$1,330.00</u>
The fee of \$1,330 is to be paid as follows:			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 07-0862			

[Page 2 of 3]

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)			Docket No. 08CY05920
In Re Application Of: Blackburn et al.			
Serial No. 09/745,170	Filing Date 12/20/00	Examiner Ana Lucrecia Woodward	Group Art Unit 1711
Invention: FLAME RETARDANT CARBONATE POLYMER COMPOSITION			
<p style="text-align: center;">Statement</p> <p>The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.</p> <p style="text-align: center;"> Signature</p> <p>Dated: March 3, 2004</p> <p>Leah M. Reimer Reg. No. 39,341 Customer No. 23,413 (860) 286-2929</p> <p>cc:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"><p>I certify that this document and fee is being deposited on March 3, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p><p style="text-align: center;"> Signature of Person Mailing Correspondence</p><p style="text-align: center;">Laura J. Nolan (by facsimile)</p><p style="text-align: center;">Typed or Printed Name of Person Mailing Correspondence</p></div>			

[Page 3 of 3]

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MAR 11 2005

08CY5920-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Blackburn et al.)
SERIAL NO.:	09/745,170) Group Art Unit: 1711
FILED:	12/20/00)
FOR:	FLAME RETARDANT CARBONATE) Before the Examiner:
	POLYMER COMPOSITION) Ana L. Woodward
)

Via Facsimile (703) 872-9306
Assistant Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231-1450

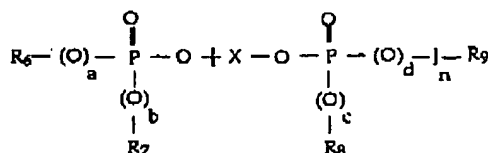
AMENDMENT
AND
RESPONSE TO RESTRICTION REQUIREMENT
PURSUANT TO 35 U.S.C. §121

Sir:

This is in response to the Restriction Requirement dated March 22, 2002.

IN THE CLAIMS:

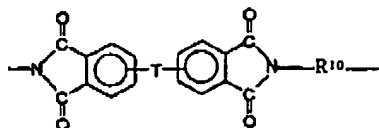
1. (currently amended) A thermoplastic resin composition, comprising:
 - (a) 50 to 95 pbw of a thermoplastic resin component comprising an aromatic polycarbonate resin a thermoplastic resin;
 - (b) 0 to 15 pbw of an organophosphorus flame retardant compound; and
 - (cb) 0.10 to 20 pbw of a flame-retarding amount of a polyimide compound, each based on 100 pbw of the thermoplastic resin component, organophosphorus compound, and polyimide compound.
2. (currently amended) The composition of claim 1 comprising 1 to 15 pbw of the organophosphorus flame retardant compound wherein the thermoplastic resin comprises a polycarbonate.
3. (currently amended) The composition of claim 2 wherein the thermoplastic resin component further comprises a vinyl aromatic graft copolymer.
4. (currently amended) The composition of claim ~~[[1]]~~² wherein the composition ~~additionally comprises a organophosphorus~~ flame retardant compound ~~having~~ has the formula:



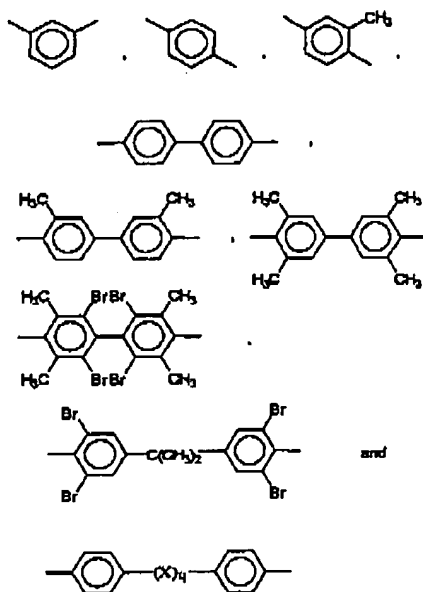
wherein R_6 , R_7 , R_8 and R_9 are each independently aryl, halo aryl or (C_1-C_6) alkyl substituted aryl, X is arylene, halo arylene or (C_1-C_6) alkyl substituted arylene, a , b , c and d are each independently 0 or 1, and n is an integer from 0 to 5, more preferably from 1 to 5.

5. (canceled)

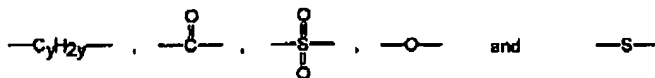
6. (currently amended) The composition of claim [[5]]4 wherein the thermoplastic resin composition further comprises a vinyl aromatic graft copolymer.
7. (currently amended) The composition of claim 6.1 wherein the polyimide is a polyetherimide and has the formula: structural units of the formula :



wherein the divalent T moiety bridges the 3,3', 3,4', 4,3', or 4,4' positions of the aryl rings of the respective aryl imide moieties; T is -O- or a group of the formula -O-Z-O-; Z is a divalent radical selected from the group consisting of formulae:

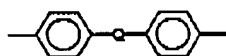


wherein X is a member selected from the group consisting of divalent radicals of the formulae:

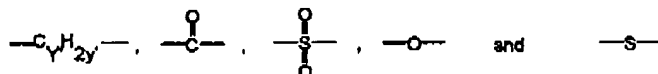


wherein y is an integer from 1 to about 5, and q is 0 or 1; R^{10} is a divalent organic radical selected from the group consisting of:

- (a) aromatic hydrocarbon radicals having from 6 to about 20 carbon atoms and halogenated derivatives thereof,
 - (b) alkylene radicals having from 2 to about 20 carbon atoms,
 - (c) cycloalkylene radicals having from 3 to about 20 carbon atoms, and
- divalent radicals of the general formula:

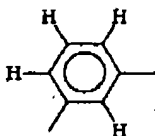


where Q is a member selected from the group consisting of formulae:

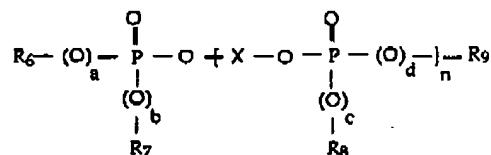


where y' is an integer from about 1 to about 5.

8. (original) The composition of claim 7 wherein the polycarbonate is a polycarbonate comprising bisphenol-A.
9. (original) The composition of claim 8 wherein T is derived from bisphenol-A.
10. (original) The composition of claim 9 wherein R^{10} is



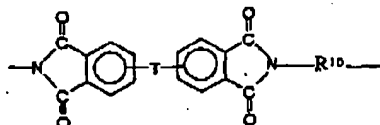
11. (new) A thermoplastic resin composition, comprising:
- (a) 50 to 95 pbw of a thermoplastic resin component comprising an aromatic polycarbonate resin and a vinyl aromatic graft copolymer;
 - (b) 1 to 15 pbw of an organophosphorus flame retardant compound; and
 - (c) 0.10 to 20 pbw of a flame-retarding amount of a polyimide compound, each based on 100 pbw of the thermoplastic resin component, organophosphorus compound, and polyimide compound.
12. (new) The composition of claim 11 wherein the thermoplastic resin component comprises, based on 100 pbw of the resin component, 30 to 95 pbw of the polycarbonate, 1 to 70 pbw of the vinyl aromatic graft copolymer, and optionally an additional thermoplastic resin.
13. (new) The composition of claim 11 wherein the organophosphorus flame retardant compound has the formula:



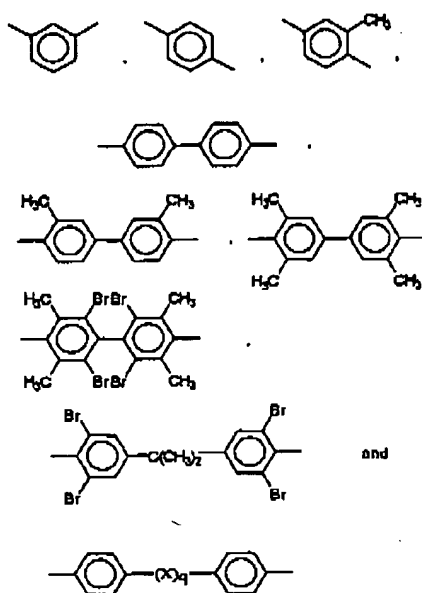
wherein R_6 , R_7 , R_8 and R_9 are each independently aryl, halo aryl or (C_1-C_6) alkyl substituted aryl, X is arylene, halo arylene or (C_1-C_6) alkyl substituted arylene, a , b , c and d are each independently 0 or 1, and n is an integer from 0 to 5, more preferably from 1 to 5.

14. (new) The composition of claim 11 wherein the vinyl aromatic graft copolymer is an ABS copolymer.

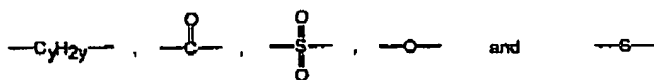
15. (new) The composition of claim 11 wherein the polyimide is a polyetherimide and has structural units of the formula :



wherein the divalent T moiety bridges the 3,3', 3,4', 4,3', or 4,4' positions of the aryl rings of the respective aryl imide moieties; T is -O- or a group of the formula -O-Z-O-; Z is a divalent radical selected from the group consisting of formulae:

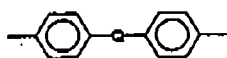


wherein X is a member selected from the group consisting of divalent radicals of the formulae:

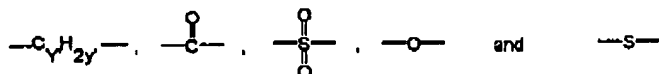


wherein y is an integer from 1 to about 5, and q is 0 or 1; R¹⁰ is a divalent organic radical selected from the group consisting of:

- (a) aromatic hydrocarbon radicals having from 6 to about 20 carbon atoms and halogenated derivatives thereof,
 - (b) alkylene radicals having from 2 to about 20 carbon atoms,
 - (c) cycloalkylene radicals having from 3 to about 20 carbon atoms, and
- divalent radicals of the general formula:



where Q is a member selected from the group consisting of formulae:



where y' is an integer from about 1 to about 5.

- 16. (new) The composition of claim 15 wherein the polycarbonate is a polycarbonate comprising bisphenol-A.
- 17. (new) The composition of claim 16 wherein T is derived from bisphenol-A.
- 18. (new) A method for the manufacture a flame retardant thermoplastic resin composition, comprising combining
 - (a) 50 to 95 pbw of a thermoplastic resin component comprising an aromatic polycarbonate resin and a vinyl aromatic graft copolymer,
 - (b) 1 to 15 pbw of an organophosphorus flame retardant compound; and
 - (c) 0.10 to 20 pbw of a flame-retarding amount of a polyimide compound, each based on 100 pbw of the thermoplastic resin component, organophosphorus compound, and polyimide compound.

REMARKS

Claims 1-10 are pending in the present application. Claims 1-2, 4, and 6-7 have been amended, and claims 3 and 5 have been cancelled, leaving claims 1-2, 4, and 6-10 pending upon entry of the present amendment. No new matter has been introduced by these amendments.

Antecedent basis for the amendments to claim 1 is found at least in the Summary of the Invention on page 1, in the first paragraph of the Detailed Description of the Invention on page 2, and in the 3rd and 4th full paragraphs on page 7.

Antecedent basis for the amendments to claim 2 is found at least in the first paragraph of the Detailed Description of the Invention on page 2.

Antecedent basis for the amendment to claims 3 and 6 is found at least in the 3rd full paragraph on page 7.

The amendments to claims 4 and 7 have been made for clarity, in particular to conform the claims to the other claim amendments and to better describe the invention.

New Claims

New claims 11-18 have been presented.

Antecedent basis for new claims 11 and 12 is at least in originally claim 1, the Summary of the Invention on page 1, in the first paragraph of the Detailed Description of the Invention on page 2, and in the 3rd and 4th full paragraphs on page 7.

Antecedent basis for new claims 13 and 15-17 is found at least in claims 1-10 as originally presented.

Antecedent basis for new claim 14 is found at least in Table 1 on page 23.

Antecedent basis for new claim 18 is found at least in the Summary of the Invention on pages 1-2, in the first paragraph of the Detailed Description of the Invention on page 2, and in the 3rd and 4th full paragraphs on page 7.

Restriction Requirement

The Examiner has restricted the original claims into four groups, based on the number of components in the claims. Applicants hereby elect to prosecute Group IV, drawn to a composition containing four components. It is believed that Group IV contains amended claims 6-10 and new claims 11-18.

Notwithstanding the foregoing election, Applicants respectfully traverse the rejection, on the grounds that the additional searching required for all groups is not unduly burdensome.

This election is being made without prejudice to Applicants' rights with respect to the remaining claims, including the right to file divisional application(s) thereon.

Election Requirement

The Examiner has further requested election of an ultimate species of component (a) of original claim 1. Component (a) has now been amended to recite the presence of polycarbonate. It is believed that this amendment satisfies the election requirement.

If there are any charges with respect to this Restriction Requirement, or otherwise, please charge them to Deposit Account No. 07-0862

Respectfully submitted,

CANTOR COLBURN LLP

By: 

Leah M. Reimer
Reg. No. 39,341

Date: March 3, 2004
Customer No. 23,413
Telephone: (860) 286-2929

03/11/05 FRI 13:50 FAX 4134487625
02/11/05 FRI 11:28 FAX 413 448 6542

VPC
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MAR 11 2005

08CYO05920

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: K. Blackburn et al.
Serial Number: 09/745,170
Filed: December 20, 2000
Examiner: A. Woodward
Art Unit: 1711
Title: Flame Retardant Carbonate Polymer Material

Attn: Office of Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
UNINTENTIONALLY ABANDONED UNDER 37 C.F.R. 1.137(b)**

Dear Sir:

This is DUPLICATE copy of the Petition to Revive an Application, the Petition for Extension of Time, and the Amendment and Response to Restriction Requirement that was filed by Facsimile Transmission to Fax No. 703-872-9306 on March 3, 2004. Also enclosed is a copy of the Auto-Reply Facsimile Transmission showing that the documents were received on March 3, 2004. Please consider the Petitions and the Amendment.